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C O N F I D E N T I A L SECTION 01 OF 04 TEGUCIGALPA 001309

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SUBJECT: HONDURAN COMMISSION ASSIGNS RESPONSIBILITY FOR LA
CEIBA PRISON INCIDENT: SECURITY FORCES AND PRISON "TRUSTIES"

REF: A. STATE 138274

B. TEGUCIGALPA 861

C. 02 TEGUCIGALPA 1755 (ALL NOTAL)

Classified By: Political Section Chief Francisco Palmieri;
Reasons 1.5 (b) and (d).

1. (SBU) Summary: A Special Commission of the Honduran National Council for Internal Security (CONASIN) has issued a report assigning responsibility to GOH security forces and prison "trusties" for the majority of the 68 deaths that occurred in an April 5 incident at the El Porvenir prison, located just outside the Caribbean port city of La Ceiba, Honduras. Sixty-one of the dead were gang members from Mara 18, one of Central America's largest gangs. President Ricardo Maduro is seeking U.S. and UK assistance for a further investigation of the events. Post has brought in a retired U.S. law enforcement investigator through the Police Assistance Program to assist the Internal Affairs Unit of the police to further investigate the incident. End Summary.

CONASIN Ad-Hoc Commission's Report

2. (U) On April 5 prison riot in the El Porvenir (The Future) prison, located just outside the Caribbean port city of La Ceiba, Honduras, left 68 dead (65 men and three women) and approximately 40 wounded (ref B). Immediately following the incident, President Ricardo Maduro ordered an investigation into the deaths by an ad-hoc commission of the Honduran National Council for Internal Security (CONASIN). Members of the Commission include: Andres Pavon, President of the Committee for the Defense of Human Rights in Honduras (CODEH); Dinora Aceituno, Secretary General of the Confederation of Honduran Workers (CTH, which is affiliated with the International Confederation of Free Trade Unions (ICFTU)); Jorge Gomez, a businessman and representative of the Honduran Council of Private Enterprise (COHEP); and Ana Pineda, Deputy Human Rights Commissioner. (Note: The Human Rights Commission later withdrew from the commission and is conducting a separate investigation. End Note.) The ad-hoc commission was commissioned on April 9 and delivered its completed report May 9 to CONASIN, in accordance with the 30-day timeframe it was given.

3. (SBU) Post obtained a copy of the report, which was also leaked to the press before it was presented to President Maduro, that details the Commission's conclusions after investigating the incident. It is not clear who leaked the report, but Maduro is said to be quite upset that it happened. In addition to the Honduran press, the contents of the report were included in wire service reports and an article in the New York Times, leading the Department of State to draft contingency press guidance (ref A).

4. (C) PolOff has met with Pavon and Gomez, and spoke by phone with Aceituno and Pineda. All four are good contacts of the Political Section. PolOff also visited the prison May 15, and was given a tour by the new warden. The report begins by severely criticizing the GOH's combined handling of the incident, criticizing the Preventative Police and the district attorney for not adequately securing the crime scene, the General Direction of Criminal Investigation (DGIC) for shoddy initial investigative work, and the forensic doctor for moving the bodies without first conducting a preliminary inspection. Visits to the prison the day of the incident by VIPs, including President Ricardo Maduro and Minister of Public Security Oscar Alvarez, undoubtedly caused further contamination of the crime scene, commission members told PolOff. (Note: Other reports indicated that the crime scene had already been cleaned up prior to their arrival. End Note.) The report harshly criticizes the role of the prison's "trusties," non-gang member inmates who enforce discipline within the prison. (Note: It appears to Post be to a prime example of "the inmates running the asylum." End Note.)

5. (C) The CONASIN report notes incredulously that there was an agreement signed March 7 between the "trusties" and gang member prisoners, drafted on the warden's computer, that outlines when and where drugs can be smoked (only in the gang members cell blocks). One commission member went so far as

to speculate to PolOff that the Honduran north coast Atlantida drug cartel may have had a role in instigating the April 5 incident to assert control over the lucrative drug trade at the prison. In a May 28 lunch with PolOffs, Gomez said that the GOH planned to change some of the report, something that was proved true when the final version of the report was released June 3. Pavon denounced the changes, which the GOH claims were necessary to not prejudice ongoing investigations, and accused the GOH of softening the wording and trying to cover up the security forces' responsibility in the incident. Gomez told PolOff that the final version does not alter the fundamental conclusions of the CONASIN Commission.

The Events of the Day

16. (U) As reported in ref B, initial press reports indicated that a riot broke out around 10 a.m. shortly after visiting hours, when a scuffle between inmates turned deadly after Mara 18 gang members produced pistols and a number of machetes and attacked non-gang member prisoners. According to press reports, regular prisoners then reportedly brandished weapons of their own and proceeded to attack Mara 18 members. The facility is a prison farm where both convicts and suspects facing various felony charges are held.

17. (SBU) The investigative report's account of the events differs greatly from those initial press reports. In the CONASIN report, GOH security forces and "trusties" are held responsible for the majority of the deaths and injuries. According to the report, which is based on the Commission's investigation drawn from testimony of unnamed witnesses (including inmates), information from GOH authorities, and two site visits to the prison, the incident began at 9:55 am on April 5. Mara 18 gang member Mario Roberto Cerrato, AKA Boris, allegedly shot and killed Jose Alberto Almendarez, the vice president of the "trusties", and wounded Jose Edgardo Coca, the president of the "trusties" and a corrupt ex-cop. Although numerous accounts appear to confirm this was the proximate cause of the ensuing violence, the gun allegedly used by Cerrato was never found (nor were any of the other alleged firearms supposedly used by gang members). Another gang member known as "Danjers" then assaulted and killed non-gang member Angel Emilio Gutierrez. At this point the Penitentiary Police apparently intervened supported by a unit of the Fourth Infantry Battalion of the Honduran Army).

18. (SBU) At some point during this scuffle the report states that Penitentiary Police started firing from towers at the corners of the prison. (Pavon told PolOff that he speculates that this firing may have disoriented policeman on the ground who then thought that gang members were firing weapons, leading police on the ground to fire upon gang members.) Dimas Antonio Benitez, a penitentiary policeman on the ground, took the pistol of Deputy Warden Oscar Reinery Sanchez, who was in charge of the prison at the time of the incident due to the fact that the warden was not there. The report states that Benitez then shot and killed gang member "Danjers," while "trusty" Jose Quintanilla beat and shot to death Cerrato, thus leaving the two gang members who allegedly started the incident dead. The "trusties" then forced the rest of the gang members back into their cell blocks (two and six). There were an estimated 70 gang members and 180 non-gang members.

19. (SBU) According to the CONASIN report, instead of ending with five people dead, the violence escalated. The report states that fifteen minutes into the incident the chief of the Preventative Police from the Department of Atlantida (which includes the city of La Ceiba) arrived with a detachment of police in response to a phone call from the prison. The report states that the gang members in cell block two then left their cell block with their hands in the air, while "trusties" blocked the exit from cell block six. Four "trusties" named Santo Aguilar, Yobhany Banegas, Javier Solis, and "Sonarriba" then set fire to cell six, leaving the gang members inside trapped in the bathroom of the cell block trying to avoid the fire which was fueled by mattresses. The report alleges that the police did not remove the obstacles that blocked the exit from cell block six. According to the report, a policewoman shot at four gang members, and a policeman in a Cobra Unit (specially trained police) shot a gang member in flames who managed to exit cell six despite the obstacles.

110. (SBU) The report alleges that the Atlantida police did not attempt to resolve the situation peacefully, but rather shot indiscriminately at gang members, and allowed "trusties" to beat, stab, and kill gang members who were trying to surrender. The report states that 17 of the 19 gang members injured suffered either gunshots or beatings in the back of their heads or necks. During the melee at least one Cobra policeman was injured.

111. (SBU) When the chaos ended, 68 people were dead. Many

had multiple wounds from one to three different types of weapons. According to the CONASIN report:

- 27 had been shot to death
- 17 had been beaten/stabbed to death
- 24 had been burned to death

12. (U) Of the 68 killed:

- 61 were members of the Mara 18 gang
- five were non-gang member prisoners
- three were female visitors (two of those were ages 14-16)

13. (U) Many of the gang members had been transferred to the La Ceiba prison from Tamara Prison, the principal Honduran prison located outside of Tegucigalpa (ref C). The report criticized conflicting provisions in the Code of Criminal Procedure and the Law of Rehabilitation of Criminals with regard to transfers of inmates from one prison to another by prison authorities. The surviving gang members have since been transferred to a prison in Tela, up the coast from La Ceiba. The La Ceiba prison has been repaired, with little sign of what happened April 5, other than a lack of mattresses.

Multiple GOH Investigations Into Actions of Security Forces

14. (SBU) To date, only Deputy Warden Sanchez is under arrest. By all accounts his handling of the incident was disastrous. From panicking so much that he reportedly called the Roatan Fire Department (located on a Caribbean island) to ask them to call the La Ceiba Fire Department for assistance, to letting another policeman take and use his pistol, to generally providing no leadership to end the incident with as little violence as possible, Sanchez appears to have failed on many levels. The Public Ministry (led by the Attorney General), the DGIC, and the Internal Affairs Unit of the police, are all investigating the incident to determine what charges should be brought against members of the security forces or prisoners.

15 (U) PolOff attended a June 5 briefing by the Public Ministry that outlined similar preliminary conclusions to the CONASIN report and had grisly forensic details from the autopsies of the victims. The Public Ministry's investigation is continuing, and no specific security officials were named as responsible in the briefing, but officials did recommend that any prison police and/or "trusties" involved in the incident should be immediately transferred from the prison. Pavon noted at the briefing, and the Public Ministry concurred, that despite Maduro's order to end the "trustee" system the prison had not yet done so due to a lack of trained personnel to replace the "trusties." Maduro has stated that the GOH will prosecute any member of the security forces found to have been involved in human rights abuses during the incident.

16. (SBU) The report, which will be used in all of these investigations, recommends that GOH authorities conduct ballistic tests to determine, if possible, which units of the police and/or military were responsible for which gunshots. According to the report, while not alleging that all of these security forces took part in the shooting, units of the following security forces were at the prison for part or all of the incident:

- Penitentiary Police
- Army Fourth Infantry Battalion (based in La Ceiba)
- Preventative Police (reportedly accompanied by Navy and Air Force soldiers who conduct joint patrols with the police as part of Maduro's crackdown on Honduras' extremely high crime rate)
- Tourist Police
- Cobras (specially trained police) - their presence is disputed by some GOH officials

Maduro Asks for FBI; Post Brings In Retired Investigator

17. (SBU) Maduro publicly asked for the assistance of the FBI and Scotland Yard to further investigate what happened. (The child advocacy NGO Casa Alianza has meanwhile asked for Scotland Yard to assist the GOH to investigate over 1,600 extrajudicial killings of children and youth over the last five years.) As there were no American citizens involved in the prison incident, and it does not directly affect U.S. national security, Post does not believe that an investigation by the FBI (or any other USG law enforcement agency) is warranted. However, Post has brought in a retired U.S. law enforcement investigator, through the INL Police Assistance Program, to assist the Internal Affairs Unit of the police to further investigate the incident. Post facilitated the travel of Minister Alvarez to Puerto Rico to gain insights from the FBI and Puerto Rican Police on internal affairs investigations. Maduro also called for a 250 million lempiras (USD 14.7 million) investment in upgrading Honduran prisons, but to date has not asked for USG assistance in this effort. The lack of funds in the GOH

treasury is likely to hamper any attempt to fulfill that goal.

18. (C) Comment: While not publicly criticizing the report, some GOH officials have privately cast aspersions on the report as either one-sided or taking all critical statements as fact, as well as noting that it was not done by professional investigators. While true that none of the commission members are professional investigators, Post notes that the GOH has been happy to use CONASIN investigative commissions in the past, including one made up of the same commission members, to investigate other controversial police episodes. The GOH has also used these reports to buttress its decisions and defend its actions in the past. The most difficult questions remain unanswered, including:

-- 1) why did the gang members suffer such a disproportionate amount of the fatalities if they were contained in two jail cells?

-- 2) what did the security forces at the prison do to minimize/prevent casualties in their actions?

-- 3) why hasn't the GOH arrested/suspended anyone beside the Acting Prison Warden?

By its decision to use an ad-hoc CONASIN Commission to investigate this incident, the GOH has painted itself into a corner, leaving little choice but to support the report publicly.

19. (C) Comment continued: Instead of criticizing the report, Maduro is now instead calling for U.S. or UK assistance in conducting further investigations of the incident. Unfortunately, the poor handling of the crime scene, and that fact that the jail has been repaired and the bodies buried, could make it extremely difficult for even a professional investigation to accurately determine what happened in detail. Nevertheless, Post believes that U.S. assistance to the Police Internal Affairs Unit will aid Honduran efforts to better understand what happened during the riot. End Comment.

Pierce